

REMARKS

Claims 65-93 are pending in the application. Upon entry of this response, claims 65, 68, 72, and 82 are amended. The amendments find support in the specification, page 9, ll. 4-5; page 11, ll. 12-13, for example. Accordingly, there are no issues of new matter.

103(a) Rejections

Nagai in view of Kaschke and Meguro

Claims 65, 66, and 72-85 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nagai (JP 10-294,135) in view of Kaschke (US 5,898,933) and Meguro (US 6,327,136). Applicant traverses the rejections.

Applicant respectfully asserts that Meguro is not 35 U.S.C. § 102 prior art, and Nagai and Kaschke fail to disclose all of the claim limitations. Meguro was filed with the USPTO on February 4, 2000 and issued on December 4, 2001. The instant application is a continuation of Application Serial No. 10/019,237, filed May 13, 2002, which is a 371 national phase application of PCT/AU00/00836, filed July 12, 2000, which claims benefit of Australian Application No. PQ 1578, filed July 12, 1999, and Australian Application No. PQ 1602, filed July 13, 1999. Certified copies of applications PCT/AU007/00836, PQ 1578 and PQ 1602 are filed with this response. Meguro was not an issued patent or published in a printed publication in this or a foreign country prior to the instant application's claimed benefit date July 12, 1999. Therefore Meguro does not constitute prior art under 35 U.S.C § 102, and the Applicant requests the withdrawal of the Meguro reference.

The remaining references of Nagai and Kaschke fail to disclose all of the claim limitations of the instant application. As amended claim 65 is directed to a portable electrical device comprising, *inter alia*, a flexible supercapacitor that has at least one electrode with a carbon coating. The Office Action admits that Nagai does not disclose electrodes comprising a coating such as carbon. The deficiency of Nagai is not corrected by Kaschke because Kaschke also fails to teach or suggest a supercapacitor that has at least one electrode with a carbon coating. Therefore, the combination of Nagai with Kaschke would still not provide the portable electrical device of Applicant's claim 65.

For at least the foregoing reasons, claim 65 and its dependent claim 66 are believed to be patentable over Nagai in view of Kaschke.

Claim 72 as amended is directed to a portable electrical device comprising, *inter alia*, a supercapacitor having at least two electrodes having respective carbon coatings. For at least the same reasons as set forth above regarding claim 65, claim 72 and its dependent claims 73-81 are believed to be patentable over Nagai in view of Kaschke.

Claim 82 as amended is directed to a portable electrical device comprising, *inter alia*, a supercapacitor having at least two electrodes, each electrode including a carbon coating. For at least the same reasons as set forth above regarding claim 65, claim 82 and its dependent claims 83-85 are believed to be patentable over Nagai in view of Kaschke.

Withdrawal of the rejections is therefore requested.

Nagai in view of Kaschke and Meguro in further view of Jennings

Claims 68-71 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nagai in view of Kaschke and Meguro in further view of Jennings (US 5,612,675). Applicant traverses the rejections.

Claim 68 as amended is directed to a portable electrical device comprising, *inter alia*, a flexible supercapacitor having at least two electrodes with respective carbon coatings.

As stated above regarding claim 65, Meguro is not 35 U.S.C. § 102 prior art and neither Nagai nor Kaschke teach or suggest a supercapacitor having electrodes with carbon coatings. These deficiencies are not corrected by Jennings because Jennings also fails to teach or suggest a supercapacitor having electrodes with carbon coatings. Thus, the combination of Nagai in view of Kaschke in further view of Jennings would still not provide the portable electrical device of Applicant's claim 68. Therefore, claim 68 and its dependent claims 69-71 are believed to be patentable over these cited references.

Withdrawal of the rejections is therefore requested.

Nagai in view of Kaschke and Meguro in further view of Bartschi

Claims 68-71 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nagai in view of Kaschke and Meguro in further view of Bartschi (US 5,734,976). Applicant traverses the rejections.

Meguro is not 35 U.S.C. § 102 prior art and the deficiencies of Nagai and Kaschke are not corrected by Bartschi because Bartschi also fails to teach or suggest a supercapacitor having electrodes with carbon coatings. Thus, the combination of Nagai in view of Kaschke in further view of Bartschi would still not provide the portable electrical device of Applicant's claim 68. Therefore, claim 68 and its dependent claims 69-71 are believed to be patentable over these cited references.

Withdrawal of the rejections is therefore requested.

112 Rejections

Claims 65-85 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, as the claims allegedly contained subject matter which was not described in the specification. Claims 65, 68, 72 and 82 have been amended and it is believed that the rejection has been overcome. Accordingly the Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

The claims are believed to be allowable. Applicant requests that the response be entered and considered by the Examiner.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

The Office is authorized to charge any fees or credit any overpayment associated with this filing to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: November 7, 2007

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